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ABSTRACT

This module provides safety guidelines for vocational teachers, principals, and students in the vocational shop class, including tips on the prevention and handling of accidents if they occur. It answers questions on student and administrator liability in accident situations. Suggestions are included for increasing the safety of special needs students, including hearing impaired, learning disabled, mentally retarded, physically handicapped, and visually impaired students. Appendices include a student safety checklist, two sample accident report forms, and the National Standard School Shop Safety Inspection Check List prepared by the Joint Safety Committee of the American Vocational Association and the National Safety Council. (Author/CML)

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TITLE: VOCATIONAL EDUCATION SAFETY AND LIABILITY

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TARGET POPULATION: VOCATIONAL EDUCATORS, ADMINISTRATORS, AND STUDENTS

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ABSTRACT: This module provides safety guidelines for teachers, principals, and students in the vocational shop class including tips on the prevention and handling of accidents if they occur. It also answers questions on teacher and administrator liability in accident situations.

CE 055 365

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# VOCATIONAL EDUCATION SAFETY AND LIABILITY

## Overview

Safety is of primary concern to both teachers and administrators of vocational education. Awareness of safety practices and procedures can help prevent accidents. This module deals with guidelines for teaching shop safety and accident prevention, procedures to follow in accident situations, and guidelines for handling teacher and administrator liability in accident situations. However, if legal advice is needed, it should be sought from a professional.

## Definitions/Terminology

| | |
|---|---|
| Foreseeability | A concept of prevention involving seeing potential hazards and taking necessary precautions to handle possible accidents before they occur. This is often applied in determining legal negligence. |
| Liability | Legal responsibility. As applied to vocational administrators, they are expected to ensure that vocational education is delivered in a way that is in the best interest of their students. |
| Malpractice | A term for negligence of professional personnel, usually those who work in a one-to-one relationship with clients, such as physicians or lawyers. |
| Negligence | Conduct that falls below the level of that which an ordinarily prudent person would have used under the same or similar circumstances. For example, could a reasonably prudent person have foreseen that the action in question would have resulted in injury to another? (Includes acts of omission as well as commission.) |
| Safety Aids | Any aids to increase the safety of the individual in mobility or in operation of dangerous equipment. |
| Special Needs Student | An individual who encounters or is likely to encounter difficulty in educational or employment settings because of a disability, economic or academic disadvantage, who has a different linguistic or cultural background, or outdated job skills, and who requires individually prescribed and unique teaching strategies, supporting services that vary in type and extent depending on individual need, and additional resources from society for his or her acceptance. |
| Tort | A civil wrong not involving contracts, applied to a variety of situations where one suffers harm or loss due to the improper (but non-criminal) con- |

duct of another, the most common being that of negligence. Courts hold those who commit torts liable in damages to those injured.

Vocational Education — Organized education programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career and in other occupations requiring other than a baccalaureate or advanced degree, and vocational student organization activities as an integral part of the program.

Frequently Asked Questions

Q. HOW CAN I BEST TEACH SAFETY IN MY SHOP CLASS?

A.

1. Develop a permanent safety consciousness in students through teacher example--always doing things in a safe way.
2. Use a positive approach to prevent accidents by stressing the right way to perform an operation.
3. Give demonstrations emphasizing the safe use of hazardous tools, utensils, machines, equipment, and materials.
4. Provide instruction on what to do in case of a shop accident.
5. Use information sheets dealing specifically with the safe use of tools, utensils, machines, equipment, and materials.
6. Give periodic demonstrations on the proper use and care of personal protective devices.
7. Provide each student with the general safety rules of the shop, laboratory, or learning site.
8. Provide instruction in the maintenance of tools, utensils, machines, and other equipment.
9. Demonstrate the safe methods of lifting and/or moving heavy items.
10. Use a bulletin board for safety bulletins, safety posters, and safety rules and regulations. Change eye-catching features regularly.
11. Periodically use discussion time to emphasize the importance of each student's acquiring the proper attitude towards accident prevention.
12. Conduct field trips to industrial plants, work sites, and business to study safety practices.

13. Send letters to parents when a student has exhibited a great degree of interest in safety or when he/she has successfully applied safety practices to handle a vocational situation.

14. Require all beginning students to make a careful study of hazards in the shop/laboratory during the first few days of the course.

15. Provide for visiting speakers from business and industry to speak on occupational safety and health practices.

16. Provide a safety suggestion box for student use.

17. Prepare a written safety education program for the shop--similar to a course of study, and allow students access to it.

18. Require each student to sign information sheets dealing with safety rules and regulations to indicate that he/she has read and understood the information. These sheets should be kept on file.

19. Submit the written safety education program for each course to the school administration for their information and approval.

20. Have students participate in accident investigation and reporting.

21. Provide for student involvement in safety inspections of facilities and equipment.

22. Emphasize the link between housekeeping and safety.

23. Provide students with convenient ways to refresh their memory of correct and safe procedures for each assigned activity.

24. Provide work station "prompts," labels, and signs to alert students to appropriate procedures, guards, and personal protective equipment.

25. Role-play the re-enactment of an accident to provide useful insight as to its cause.

26. Conduct job safety analyses together with students.

27. During school open houses, emphasize safety by drawing specific attention to safety practices.

SOURCE: Vocational safety guide. (1986). Jefferson City, MO: Missouri Department of Elementary and Secondary Education, Division of Career and Adult Education.

Q. WHAT CAN TEACHERS DO TO HELP PREVENT SHOP ACCIDENTS?

A.

1. Comply with safety policies and regulations and systematically implement the approved safety program.

2. Always provide for the supervision of students in the classroom or laboratory in accordance with legal requirements. Do not leave the classroom and/or laboratory unsupervised at any time when students are present or when they might enter in your absence.

3. Motivate students to strive for safety.

4. Set a good example for the students by observing all safety rules and practices.

5. Perform in a manner which is commensurate with that of a reasonable, prudent person.

6. Establish course-specific emergency procedures.

7. Enforce all safety rules and regulations.

8. Properly plan and/or arrange facility and equipment.

9. Devise and enforce safe housekeeping procedures.

10. Maintain clean and organized facilities.

11. Provide prompt and thorough reports of accidents including written reports by instructor, written accounts by witnesses, photographs of accident scenes and conditions, and the standard accident report form.

12. Require that students receive the required safety instruction prior to working the the laboratory/shop.

13. Be aware of the specific safety needs of special needs (disadvantaged and handicapped) students.

14. Actively cooperate and participate in all possible phases of the school safety program.

15. Evaluate student teachers with specific regard to providing for their classes' safety.

16. Regularly inspect laboratory facilities to provide for optimum safety conditions by giving special attention to:

    a. layout of equipment and furniture.
    b. utilities and building services.
    c. equipment guarding.
    d. storage and condition of tools.
    e. storage, labeling, handling, and condition of materials.

17. Follow fire safety requirements and procedures.

18. Follow electrical code requirements.

19. Use accepted industrial safety standards.

20. Correct and/or report unsafe conditions.

21. Recommend needed safety improvements to the schools' administration.

22. Assist school administrators in selecting equipment for school use.

23. Insist that guards meeting accepted standards be provided and used whenever a machine is operated.

24. Insist that adequate eye protection be worn (during laboratory operation and in other potentially hazardous areas).

25. Provide proper protective equipment, and insist on its use, in all shop areas.

26. Require students to wear proper clothing and adequate hair protection while working in the laboratory.

27. Develop specific safe practices, rules, and regulations relating to your facilities and provide for their enforcement.

28. Give instruction on potential hazards and accident prevention specific to the particular laboratory and course of study involved.

29. Incorporate safety instruction (dealing with the proper use of all tools, machines, equipment and materials) in the formal course of study.

30. Ensure that all course activities are in the school's approved course of study.

31. Record each student's attendance, safety instruction received, and his/her safety evaluation results.

32. Periodically retest students to insure maintenance/retention of specific safety competencies.

33. Become aware of all types of emergency and disaster procedures, developments, and information.

34. Keep current on safety developments in field.

35. Participate in safety training programs, such as first aid, civil defense, and other relevant safety courses.

36. Request assistance from the school safety coordinator when needed.

SOURCE: Vocational safety guide. (1986). Jefferson City, MO: Missouri Department of Elementary and Secondary Education, Division of Career and Adult Education.

Q. WHAT CAN STUDENTS DO TO HELP PREVENT ACCIDENTS?

A. 1. Abide by the safety rules and observe safety practices at all times.

2. Assist in evaluating and updating safety procedures.

3. Recognize personal limitations.

4. Assist in maintaining equipment in safe working order.

5. Keep work areas clean.

6. Use proper dress, guards, and protective equipment.

7. Follow instructions and indicate when they are unclear.

8. Report unsafe conditions to the instructor or supervisor.

9. Be considerate of other students in order to prevent their injury through unsafe actions.

10. Give proper attention to safety instruction.

11. Be informed and prepared to handle an accident, emergency or disaster.

12. Develop sense of responsibility for personal safety.

13. Acknowledge safety instruction received.

SOURCE: Vocational safety guide. (1986). Jefferson City, MO: Missouri Department of Elementary and Secondary Education, Division of Career and Adult Education.

Q. HOW CAN I AS A VOCATIONAL ADMINISTRATOR PROMOTE SAFETY ATTITUDES?

A. Vocational administrators should encourage instructors to promote safety attitudes in their programs. Some effective ways for doing so include:

1. Promoting safety attitudes by example.

2. Teaching safety as a normal part of vocational instruction.

3. Administering, evaluating, and discussing safety tests.

4. Making a specified score on safety tests prerequisite to operating machines and equipment.

5. Displaying safety rules and regulations on bulletin boards and dangerous equipment.

6. Enforcing safety rules.

7. Supervising the practices of students.

SOURCE: Goetsch, D., & Szuch, P. (1985). Vocational administrator's guide. Arlington, VA: American Vocational Association.

Q. HOW CAN ADMINISTRATORS HELP PREVENT ACCIDENTS?

A. The primary responsibility of vocational administrators with regard to accident prevention is the development, implementation, and maintenance of an accident prevention program. Such programs are operated on a daily basis by vocational instructors, but administrators are responsibile for overseeing them.

The Shop or Lab Component

Vocational administrators can promote accident prevention by ensuring that the following physical practices are observed in all shops and labs:

1. Shops and labs should have non-skid surfaces on floors.

2. Dangerous equipment should be marked.

3. Dangerous lanes should be painted on floors.

4. Permanent containers should be provided for the collection of trash, scraps, and other dangerous refuse.

5. Shops and labs should be properly ventilated.

6. Equipment should have safe exhaust systems.

7. Dangerous materials should be kept in properly marked containers.

8. All shops and labs should be equipped with large "all off" power switches.

9. All machines should have the proper guards and safety protection devices.

The Instructor-Student Component

Vocational administrators can promote accident prevention by ensuring that the following human precautions are observed in shops and labs:

1. No student operates a machine or piece of equipment without first seeing a demonstration of its safe and proper operation.

2. Instructors and students STOP and THINK before operating a machine or piece of equipment.

3. "Horseplay" is not allowed in shops or labs.

4. Instructors watch for nervous, apprehensive students and work with them.

5. Students dress properly and safely for the occupation in question.

6. Students know how and when to use the "ALL OFF" power switches.

7. Instructors never leave students unattended in shops and labs.

SOURCE: Goetsch, D., & Szuch, P. (1985). Vocational administrator's guide. Arlington, VA: American Vocational Association.

Q. WHAT ARE SOME RULES FOR HANDLING ACCIDENTS WHEN AND IF THEY OCCUR?

A. In spite of the best efforts of everyone involved, accidents will happen. When they do, how they are handled can mean the difference between minor and serious damage. Vocational administrators should ensure that instructors are provided with a set of standard procedures for handling accidents.

Dealing with Injured Students

1. Attempt to ascertain how seriously the student is injured. If in any doubt, get assistance.

2. If medical assistance is needed, send for aid immediately.

3. Apply only that first aid which is essential to stabilize the situation and nothing further.

4. Notify the immediate supervisor.

5. If a student is seriously injured, ask the departmental office to notify the parents or family.

6. If a student has a minor injury and needs the assistance of the school nurse, send the injured student to the nurse's office accompanied by another student. NEVER send an injured student alone.

7. If a foreign article enters the eye, immobilize the eye by covering it with a sterile compress and obtain medical assistance immediately. Under no circumstances should a teacher attempt to remove a foreign body from the eye.

8. If an eye has been injured by an acid or an alkali, immediately irrigate with copious amounts of water and call for medical help.

9. Report all injuries, both major and minor, to the school nurse.

Following Up After the Accident

1. Stabilize and reassure the other members of the class.

2. Fill out an accident report.

3. Analyze the accident in view of known facts.

4. Ascertain the cause of the accident.

5. Take steps to eliminate the possibility of a similar accident occurring in the future.

6. Review safety practices and procedures.

7. Check progress of the injured student.

All teachers should be completely familiar with the established procedures for dealing with accidents and injuries. The investigation, inspection, and analysis following an accident should lead directly to corrective action. A sample accident report form is included in the Appendix.

SOURCE: Goetsch, D., & Szuch, P. (1985). Vocational administrator's guide. Arlington, VA: American Vocational Association.

Q. HOW CAN I BEST SERVE THE SPECIAL NEEDS STUDENTS IN MY VOCATIONAL EDUCATION CLASS AS FAR AS SAFETY GOES?

A.

Suggestions for Increasing the Safety of
Vocational Education as it Serves Special Needs Students

| | Hearing Impaired | Learning Disabled | Mentally Retarded | Physically Handicapped | Visually Impaired |
|---|---|---|---|---|---|
| Facilities | Avoid total sound absorption in wall design<br><br>Visually and aurally signaled emergency mechanisms and rehearsed evacuation procedures | Color contrast of machines, areas, and tools<br><br>Use of generalizeable symbols to denote special safety concerns | Use of generalizeable symbols to denote special safety concerns | Counter/workbench heights should be designed for safety and comfort. Adjustable benches are desirable<br><br>Extra aisle and work space for accessibility to all areas as needed<br><br>Reachers (extension poles, grippers) where needed<br><br>Doors with kick plates and vision panels<br><br>Handrails/guardrails as appropriate<br><br>Easy to use (i.e., knurled or looped) handles on doors, gates, drawers, etc.<br><br>Faucets with dials for specific temperatures<br><br>Foot- or elbow-controlled faucets | Supplemental lighting<br><br>Raised letters or Braille signs and tags, large print<br><br>A place for everything (i.e., standardized organization)<br><br>Handrails/guardrails as appropriate<br><br>Directive aids (raised lines, knobs, textured flooring, concrete, etc.)<br><br>Special spatial orientation to facilities and location of safety features<br><br>Wide and uncluttered aisles<br><br>Relocate, recess or remove protrusions in walk areas (water fountains, fire extinguishers, etc.) |

Material adapted from the following sources:

1. Bruwelheide, K. (no date). Assisting the physically handicapped. Bozeman, MT: Montana State University.
2. Greenan, J. P. (no date). Leadership training institute/vocational and special education. Urbana, IL: University of Illinois.
3. Safety guide for the handicapped. (1979). ITT.
4. Lutz, R. J., & Pearon, V. L. (1978, February). Teaching safety to the special needs learner. Industrial Education.
5. Razeghi, J. A. (1980, April). Analyzing, modifying and selecting vocational materials for research. Journal of Vocational Special Needs Education.

| | Hearing Impaired | Learning Disabled | Mentally Retarded | Physically Handicapped | Visually Impaired |
|---|---|---|---|---|---|
| Classroom instruction/ shop work | Accessory hearing aids | Repetition | Simplify instruction. Be clear! | Position students for adequate viewing of instructors and demonstrations | Magnifying lenses |
| | Use gestures liberally | Give special attention without overdoing it | Repetition | Specific adaptation/ modification of tools as required | Talking books (tapes) |
| | Speak clearly without shouting | Provide positive reinforcement | Use pictures, posters, reminders | Use of jigs and fixtures | Oral interpretation of visual aids/media |
| | Avoid masking mouth | Provide ample practice | Assembly line-type sequences may be useful | | Hand-on-hand technique for explaining specific manipulative movement processes |
| | Provide a written list of words that will be encountered on the job | Avoid time pressure and stressful situations | Review rules more carefully and frequently | | Use of jigs and fixtures |
| | Use handouts to minimize note-taking (attention should be directed to the instructor) | Ascertain practical attention span and keep work activity within this limit | Use small, short steps in instruction | | Peer tutors |
| | Face-to-face communication | Vocabulary lists | Use concrete/ tangible teaching methods | | Self-instructional materials |
| | Peer tutors | Peer tutors | Use simplified procedures to accomplish work tasks | | Large print |
| | Visual aids | Self-instructional materials | Rehearse instructions | | |
| | | Appropriate reading levels | Use positive reinforcement | | |
| | | | Ascertain practical attention span and keep work activity within this limit | | |

| | Hearing Impaired | Learning Disabled | Mentally Retarded | Physically Handicapped | Visually Impaired |
|---|---|---|---|---|---|
| Equipment | Warning lights and flags, and machine status indicators, fans can be used as a warning | Personalized individual demonstrations and evaluations | Personalized individual demonstrations and evaluations | Adaptation of equipment as needed, e.g.: | Appropriate jigs and fixtures |
| | Heat sensing indicators | Checklists for key procedures and machines | Checklists for key procedures and machines | Adjustable heights | Warning buzzers, bells for power on/off switches |
| | Vibrating devices | Color coding of tools, safety zones, guards, etc. | Check reading levels | Repositionable controls | Click gauges |
| | Extensive use of signs/tags | Check reading levels | Symbol "word" signs and warnings | Tool holders and holsters | Optacon electronic sensory reader |
| | Written rules for each machine | Symbol "word" signs and warnings | | Velcro grippers | Magnifying lenses and equipment |
| | Checklists, posters, charts | | | Convex pushbuttons designed to operate with a minimum of pressure | Prescription spectacles |
| | Ear protectors in high noise areas | | | Safety control interlocks | Machine adaptations may be necessary (e.g. digital readouts) |
| | | | | Hoists where needed | Brailled directions, time pieces |
| | | | | Foot controls | Warnings signs should be Brailled or tactile as well as visual |
| | | | | Heat sensitive switches | Varied shapes and surface textures for operating knobs |
| | | | | Arm rests | Large print for directions |
| | | | | Large control levers | Keep equipment stationary |
| | | | | Keep reach short by using control extensions, relocations, positioning of bins, trays and tools | |
| | | | | Special helmets | |
| | | | | Television and/or overhead mirrors for adequate rear vision of stove tops, workbenches, and demonstration areas | |
| | | | | Appropriate jigs and fixtures | |

| | Hearing Impaired | Learning Disabled | Mentally Retarded | Physically Handicapped | Visually Impaired |
|---|---|---|---|---|---|
| Fire equipment/ evacuation | Warning lights to supplement fire alarm<br><br>Buddy systems | Warning lights to supplement fire alarm<br><br>Posted evacuation routes<br><br>Buddy systems<br><br>Symbolic signs, pictorial directions | Rehearsed evacuation procedure<br><br>Posted evacuation routes<br><br>Buddy systems | Adequate fire exit widths, accessibility in conformance to standards<br><br>Low location of emergency signals and fire alarm switches for ready accessibility<br><br>Buddy systems | Handrail guards<br><br>Audio alarm system<br><br>Buddy systems<br><br>Wall rails |
| Materials | Mark pressurized container clearly | Clear labels for chemicals, paints, flammables<br><br>Use standardized symbols for dangerous materials | Use standardized symbols for dangerous materials | Store at reachable heights | Braille or raised label markings for e.g. gasoline, ammonium-nitrate, acetylene, etc. |

Q. WHAT IS MY LIABILITY AS A VOCATIONAL EDUCATION ADMINISTRATOR?

A. Vocational administrators assume a certain amount of liability by virtue of the nature of their jobs. In the broadest terms, vocational administrators are expected to ensure that vocational education is delivered in a way that is in the best interests of students. Vocational administrators fail to protect the best interests of students when they:

1. Exceed their authority.

2. Behave in a negligent manner.

3. Fail to take reasonable precautions.

4. Exercise poor judgment in a given situation.

There are several legal concepts relating to liability with which vocational administrators should be familiar. They include: negligence, contributory negligence, comparative negligence, proximate cause, and foreseeability.

Negligence

Negligence is not a black and white concept. Its determination is based on judgment after a thorough examination of the facts surrounding a given situation. Avoiding negligence involves exercising the appropriate amount of caution in a given situation and knowing that instructors follow suit.

Vocational administrators are likely to be judged as having behaved negligently if they: 1) do not act as a reasonably prudent and careful person in terms of the circumstances of a given situation; 2) fail to act in a way that would ensure that others are protected from unnecessary risks; and 3) exercise a lack of diligence or care in a given situation.

Contributory Negligence

Negligence can be a two-sided coin. For instance, a student who is hurt in a school shop accident might have been negligent in not exercising due care in the operation of a dangerous piece of equipment. When this is the case, contributory negligence becomes a factor.

Contributory negligence is when people fail to act with reasonable caution in protecting themselves from an accident. It is more likely to be a stronger consideration when working with adult students than when working with adolescents. The degree of reasonable caution expected of an adult would be more than that expected of an adolescent.

Comparative Negligence

Comparative negligence involves pro-rating the degree of negligence between parties. It is more likely to be used in cases involving adults than in cases involving adolescents. It is a concept that can be used in arriving at a financial statement in a libel case. It allows the amount awarded in a settlement to be commensurate with the degree of contributory negligence.

Proximate Cause

Proximate cause is a concept used in accident related cases. The proximate cause of an accident is its direct cause. The concept comes into play at times because administrators or instructors they supervise may be charged with negligence, but the negligence was not the proximate cause of the accident. Because of this concept a person can be found negligent, but not liable in some cases.

Foreseeability

This concept centers around prevention. Vocational administrators are responsible for foreseeing potential hazards and taking the necessary precautions to alleviate the risks. The foreseeability concept is often applied in determining negligence.

SOURCE: Goetsch, D., & Szuch, P. (1985). Vocational administrator's guide. Arlington, VA: American Vocational Association.

Q. WHAT IS MY LIABILITY AS A VOCATIONAL EDUCATION TEACHER?

A. Because of the presence of power equipment and machinery in most practical arts and vocational technical education laboratories and classrooms, the potential for injury is even greater than in regular classrooms. Therefore, vocational instructors must be especially aware of the liability he or she could face if a student were injured in the classroom or laboratory. Unlike some other states, Missouri provides little statutory protection for teachers. For example, the sovereign immunity statutes of the state apply only to school districts (not employees) and other political subdivisions. Under these statutes a school district is immune from liability in tort cases except in two specific instances:

- If an employee of the school district is negligent in the operation of a motor vehicle during the course of his/her employment
- If the school district fails to maintain its property in a safe condition

This situation makes it imperative for the vocational teacher to be aware of the different types of circumstances that can lead him/her to a tort liability suit.

> The crucial question then, in actions in tort for damages against teachers is, "What constitutes negligence?" In general, the courts are in agreement that negligence is conduct that falls below the level of that which an ordinarily prudent person would have used under the same or similar circumstances. The first test to determine the presence of negligence is that of foreseeability. This means that, in determining whether an individual is or is not liable, as the result of negligence, the question is, "Could a reasonably prudent person have foreseen that the action in question would have resulted in injury to another?" If so, the actor, by ignoring the foreseeable consequences, is liable for the results of his/her negligent conduct. In short, it may be stated that the courts will impute negligence to one who fails to act as a reasonably prudent person would have acted under the same or similar circumstances. Thus, it is evident that negligence may result from acts of omission as well as those of commission. (Emphases added.)
>
> Needless to say, following the rule just laid down, courts will require that the degree of care required of one, if he/she is to avoid being held guilty of negligence, will be proportionate to the extent of danger involved and the age of the child. For example, it will be expected that teachers will exercise a greater degree of care in supervising children who are exposed to dangerous machinery in a shop (or dangerous chemicals in the laboratory) than they would exercise in supervising the same children in a normal classroom or study hall. Likewise, it will be expected that teachers will exercise a greater degree of care in supervising young children whose judgment has not yet been well developed than in supervising older children with far greater degree of judgment. (Emphases added.)
>
> While courts will hold a teacher liable if he is negligent, they are not likely to hold him liable if the accident or injury was not foreseeable and was unavoidable. Neither will they hold him liable if the pupil is guilty of contributory negligence, i.e., if his conduct was of such a nature that it was primarily, or at least in part, responsible for the injury. Nor will they hold the teacher liable if the pupil was apprised of the inherent danger but elected to assume the risk. For example, a high school tennis coach was not held liable when a member of the tennis team was injured when his glasses were broken by a ball while playing tennis. The court reasoned that the pupil was old

enough to realize the danger inherent in playing tennis while wearing glasses, and, by electing to play, he assumed the risk. Finally, it has been held that even if a teacher's conduct may be considered negligent, he will not be liable if the accident or injury resulted from some intervening cause. Thus, it has been held that the teacher was not liable for injuries received by a student while cleaning a dangerous machine in a school shop, where the injury occurred when another student turned on the power. Here, the court ruled that, while the teacher's conduct in asking a pupil to clean a dangerous machine may be considered negligent, the real cause of the accident was an intervening act, the turning on of power by another pupil. (Emphases added.)

SOURCE: Vocational safety guide. (1986). Jefferson City, MO: Missouri Department of Elementary and Secondary Education, Division of Career and Adult Education.

Q. CAN A TEACHER OR ADMINISTRATOR BE SUED FOR MALPRACTICE?

A. Beginning in the 1970's there have been attempts to hold school districts liable for perceived failures in educational results alledgedly due to pedagogical errors committed during the plaintiff's stay in the schools. To date, all efforts to have courts recognize a tort of "educational malpractice" ultimately have failed.

SOURCE: Reutter, Jr., E. E. (1985). The law of public education. New York: Foundation.

Q. HAVE THERE BEEN ANY LIABILITY CASES IN THE STATE OF MISSOURI WHERE A SHOP TEACHER WAS SUED IN CONNECTION WITH A SHOP ACCIDENT?

A. In checking in the University of Missouri-Columbia Law Library and with the Missouri Protection and Advocacy Services, no cases of this type were found.

Q. HOW CAN I PROTECT MYSELF AND MY SCHOOL FROM POSSIBLE LAWSUITS?

A. Even the most meticulously careful vocational administrators might find themselves faced with lawsuits. For this reason, legal protection is imperative. There are three widely used methods of liability protection with which vocational admininstrators should be familiar: group liability insurance, individual liability insurance, and liability riders on existing insurance policies.

Group Liability Insurance

There are several ways to secure a group liability insurance policy: state education associations, state vocational associations, and the American Vocational Association. One of the most

widely used is that offered through the American Vocational Association. AVA provides approximately $500,000 in professional liability insurance to its members for a small yearly fee. Information on such a policy can be obtained from:

American Vocational Association
2020 North 14th Street
Arlington, VA 22201

Individual Liability Insurance

Individual liability insurance is secured in the same manner as any other type of individual policy. Vocational administrators should examine policies closely to ensure that all pertinent areas of liability are covered and that the level of coverage is adequate. Exceptions written into the policy should be examined closely.

Riders on Existing Policies

Work related riders may be added to some homeowner policies. When purchasing a rider, vocational administrators should be concerned about the same factors as when purchasing an individual policy (i.e., areas of liability covered, amount of coverage, and exceptions).

SOURCE: Goetsch, D., & Szuch, P. (1985). Vocational administrator's guide. Arlington, VA: American Vocational Association.

(42.F:VOCEDS&L/2/3)

## APPENDIX

1. Student Safety Checklist
2. Sample Accident Report Forms
3. National Student Shop Safety Inspection Checklist

## Student Safety Checklist

### STUDENT SAFETY PROFILE

General Laboratory

Student: _____ Date: _____

Trade and Industrial Program: _____

Instructor: _____

Date of Entry: _____

Date of Safety Orientation: _____

Date Student Completes Specific Objectives of Safety Orientation: _____

---

| Specific Objectives | Date Accomplished |
|---|---|
| Develops awareness of hazard and becomes more safety conscious | _____ |
| Develops a serious attitude toward safety | _____ |
| Prepares for safety before entering work area | _____ |
| Prepares for safety at work stations | _____ |
| Understands color coding | _____ |
| Practices safety procedures | _____ |
| Prepares for safety on leaving shop | _____ |

| Develops awareness of hazards and becomes more safety conscious. Successfully responds to the following: | Date Competence Demonstrated |
|---|---|
| 1. Why provide safety for yourself and others? | _____ |
| 2. How does shop safety help production? | _____ |
| 3. What laws and agencies regulate shop safety? | _____ |
| 4. What are the causes of shop accidents? | _____ |
| Develops a serious attitude toward safety | |
| 1. Gives serious thought to work safety | _____ |
| 2. Remains alert in the shop area | _____ |
| 3. Works carefully | _____ |
| 4. Remains calm and holds temper | _____ |
| 5. Focuses attention on what is being done | _____ |
| 6. Assumes responsibility for own safety and safety of others | _____ |
| Prepares for safety before entering shop | |
| 1. What are the characteristics of a training program? | |
| a. Determines what tools, machines and materials are required | _____ |
| b. Determines what hazards are involved | _____ |
| c. Determines what skills are needed | _____ |
| 2. What clothing and safety equipment to wear? | |
| a. Recognizes types of clothing suitable for shop area | _____ |
| b. Recognizes types of foot and leg covering | _____ |
| c. Recognizes types of head covering | _____ |
| d. Recognizes types of eye and face protection | _____ |
| e. Recognizes types of hearing protection | _____ |
| f. Recognizes types of hand and arm protection | _____ |
| g. Recognizes types of lung and breathing protection | _____ |

SOURCE: Sarkees, M. & Scott, J. (1985). Vocational special needs. Homewood, IL: American Technical.

| | Date Competence Demonstrated |
|---|---|
| **Prepares for safety on entering the shop** | |
| 1. What safety provision to locate? | |
| a. Locates exit | _____ |
| b. Locates emergency fire equipment | _____ |
| c. Locates emergency aids | _____ |
| d. Locates main power disconnect areas | _____ |
| e. Locates safety zones and lanes | _____ |
| 2. What potential hazards to keep in mind? | |
| a. Identifies flammable materials | _____ |
| b. Identifies mobile equipment | _____ |
| c. Identifies activities of others | _____ |
| **Prepares for safety at work station** | |
| 1. Obtaining tools and materials | |
| a. Remembers where tool was obtained | _____ |
| b. Follows established procedures for obtaining tools | _____ |
| c. Checks condition of tool upon receipt | _____ |
| d. Uses care in handling tools | _____ |
| 2. What safety precautions to observe? | |
| a. Checks for the condition of floor openings and storage areas | _____ |
| b. Checks for proper lighting | _____ |
| c. Checks for proper ventilation | _____ |
| d. Checks for caution areas and protective signs | _____ |
| e. Checks for guardrails | _____ |
| 3. What power is available? | |
| a. Uses electric power safely | _____ |
| b. Uses air power safely | _____ |
| c. Uses hydraulic power safely | _____ |
| 4. What solvents and chemicals are present? | |
| a. Checks the parts cleaning area | _____ |
| b. Checks the dispensing containers | _____ |



| | Date Competence Demonstrated |
|---|---|
| **Practicing shop safety skills** | |
| 1. Recognizes how to prevent bodily injuries | |
| a. Understands how to prevent slipping or falling | _____ |
| b. Understands how to avoid injuries from lifting | _____ |
| c. Understands how to avoid crushing injuries | _____ |
| d. Understands how to avoid hand and arm injuries | _____ |
| 2. Develops tool and machine safety skills | |
| a. Demonstrates hand tool safety skills | _____ |
| b. Demonstrates power tool safety skills on the following machines: | |
| (1) Milling machines | _____ |
| (2) Lathes | _____ |
| (3) Shapers | _____ |
| (4) Drill presses | _____ |
| (5) Power hacksaws | _____ |
| (6) Band saws | _____ |
| (7) Electrical discharge machines | _____ |
| **Understands color coding** | |
| 1. Recognizes safety color codes for shop machines and equipment | _____ |
| **Prepares to leave the school shop** | |
| 1. Stores tools, machines and materials | |
| a. Stores hand and portable power tools | _____ |
| b. Secures stationary power tools | _____ |
| c. Stores usable materials and supplies | _____ |
| 2. Disposes of waste materials | |
| a. Disposes of scrap metal, filings and chips | _____ |
| b. Disposes of hot metal | _____ |
| c. Disposes of waste liquids | _____ |
| d. Disposes of sawdust and absorbent compounds | _____ |
| 3. Cleans the workbench and floor | _____ |
| 4. Stores safety equipment | _____ |
| 5. Cleans hands and other parts of body | _____ |
| 6. Performs final check of shop area | _____ |

## SAMPLE ACCIDENT REPORT FORM

Reproduced through the courtesy of the National Safety Council.
STANDARD STUDENT ACCIDENT REPORT FORM
PART A. Information on ALL Accidents

1. Name: _____ Home Address: _____
2. School: _____ Sex: M ___ F ___ Age: _____ Grade or classification _____
3. Time accident occurred: Hour _____ A.M.; _____ P.M. Date: _____
4. Place of Accident: School Building ___ School Grounds ___ To or from School ___ Home ___ Elsewhere ___

5. NATURE OF INJURY

| | | | |
|---|---|---|---|
| Abrasion | ____ | Fracture | ____ |
| Amputation | ____ | Laceration | ____ |
| Asphyxiation | ____ | Poisoning | ____ |
| Bite | ____ | Puncture | ____ |
| Bruise | ____ | Scalds | ____ |
| Burn | ____ | Scratches | ____ |
| Concussion | ____ | Shock (el.) | ____ |
| Cut | ____ | Sprain | ____ |
| Dislocation | ____ | | |
| Other (specify) | _____ | | |

PART OF BODY INJURED

| | | | |
|---|---|---|---|
| Abdomen | ____ | Foot | ____ |
| Ankle | ____ | Hand | ____ |
| Arm | ____ | Head | ____ |
| Back | ____ | Knee | ____ |
| Chest | ____ | Leg | ____ |
| Ear | ____ | Mouth | ____ |
| Elbow | ____ | Nose | ____ |
| Eye | ____ | Scalp | ____ |
| Face | ____ | Tooth | ____ |
| Finger | ____ | Wrist | ____ |
| Other (specify) | _____ | | |

DESCRIPTION OF THE ACCIDENT
How did accident happen? What was student doing? Where was student? List specifically unsafe acts and unsafe conditions existing. Specify any tool, machine or equipment involved.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

6. Degree of Injury: Death ___ Permanent Impairment ___ Temporary Disability ___ Nondisabling ___
7. Total number of days lost from school: _____ (To be filled in when student returns to school.)

Part B. Additional Information on School Jurisdiction Accidents

8. Teacher in charge when accident occurred (Enter name): _____
Present at scene of accident: No: ____ Yes: ____

9. IMMEDIATE ACTION TAKEN

| | | |
|---|---|---|
| First-aid treatment | ____ | By (Name): _____ |
| Sent to school nurse | ____ | By (Name): _____ |
| Sent home | ____ | By (Name): _____ |
| Sent to physician | ____ | By (Name): _____ |
| | | Physician's Name: _____ |
| Sent to hospital | ____ | By (Name): _____ |
| | | Name of hospital: _____ |

10. Was a parent or other individual notified? No: ____ Yes: ____ When: _____ How: _____
Name of individual notified: _____
By whom? (Enter name): _____
11. Witnesses: 1. Name: _____ Address: _____
2. Name: _____ Address: _____

12. LOCATION

| | Specify Activity | | Specify Activity |
|---|---|---|---|
| Athletic field | _____ | Locker | _____ |
| Auditorium | _____ | Pool | _____ |
| Cafeteria | _____ | Sch. grounds | _____ |
| Classroom | _____ | _____ shop | _____ |
| Corridor | _____ | Showers | _____ |
| Dressing room | _____ | Stairs | _____ |
| Gymnasium | _____ | Toilets and washrooms | _____ |
| Home Econ. | _____ | Other (specify) | _____ |
| Laboratories | _____ | | |

Remarks
What recommendations do you have for preventing other accidents of this type? _____
_____
_____
_____
_____
_____
_____
_____

Signed: Principal: _____ Teacher: _____

SAMPLE ACCIDENT REPORT FORM

SCHOOL ACCIDENT SUMMARY FORM

Period From _____ Page of _____

To _____ School _____

| Case No. | Name of Injured Person | Date of Injury | Location of Accident (area) | Nature of Injury | Part of Body | Source of Injury | Tools and Equipment Used | Time Lost | Hazardous Condition | Human Error | Instructor/ Supervisor | Compensation | Medical Cost | Other Costs |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 79-1 | William Smith | 9/8/79 | Wood Working Shop - Table Saw Area | Lacer-ation | Left Hand | Saw Blade | Table Saw | 1/2 Day | Unguarded Saw Blade & Slippery Surface | Failure to check with institution & failure to clean area in proximity of saw | Mr. Yardley | n/c | $35.00 | $100.00 |

Adapted from: Firenze, Robert J. (1980). Safety and Health in Industrial/Vocational Education.

NATIONAL STANDARD SCHOOL SHOP SAFETY INSPECTION CHECK LIST
Prepared by the Joint Safety Committee of the
AMERICAN VOCATIONAL ASSOCIATION--NATIONAL SAFETY COUNCIL

Date _____

## INTRODUCTION

A safe environment is an essential part of the school shop safety education program. The safe environment will exist only if hazards are discovered and corrected through regular and frequent inspections by school personnel--administrators, teachers and students. Safety inspections are to determine if everything is satisfactory.

Inspections may be made at the request of the board of education, the school administration or upon the initiative of the teacher. Some communities have drawn upon the cooperative service of professional safety engineers, inspectors of state labor departments, insurance companies and local safety councils to supplement and confirm inspections by school personnel.

The National Standard School Shop Safety Check List, recommended by the President's Conference on Industrial Safety is an objective inspection procedure for the school shop.

## DIRECTIONS

**WHO INSPECTS?**
This will depend upon local policies. It is recommended, however, that shop teachers, and students--the student safety engineer and/or student safety committee--participate in making regular inspections. This not only tends to share responsibility but stimulates a broader interest in the maintenance of a safe school shop.

**WHEN TO INSPECT?**
As a minimum, a safety inspection should be made at the beginning of every school term or semester. More frequent inspections may be available.

**HOW TO INSPECT?**
Inspections should be well planned in advance.
Inspections should be systematic and thorough. No location that may contain a hazard should be overlooked.
Inspection reports should be clear and concise, but with sufficient explanation to make each recommendation for improvement understandable.

**FOLLOW-UP**
The current report should be compared with previous records to determine progress. The report should be studied in terms of the accident situation so that special attention can be given to those conditions and locations which are accident producers.
Each unsafe condition should be corrected as soon as possible in accordance with accepted local procedures.
A definite policy should be established in regard to taking materials and equipment out of service because of unsafe conditions.
The inspection report can be used to advantage as the subject for staff and class discussion.

## CHECKING PROCEDURE

Draw a circle around the appropriate letter, using the following letter scheme:

S--Satisfactory (needs no attention)
A--Acceptable (needs some attention)
U--Unsatisfactory (needs immediate attention)

Recommendations should be made in all cases where a "U" is circled. Space is provided at the end of the form for such comments. Designate the items covered by the recommendations, using the code number applicable (as B-2).
In most categories, space is provided for listing of standards, requirements or regulations which have local application only.

### A. GENERAL PHYSICAL CONDITION

1. Machines, benches, and other equipment are arranged so as to conform to good safety practices..... S A U
2. Condition of stairways..... S A U
3. Condition of aisles..... S A U
4. Condition of floors..... S A U
5. Condition of walls, windows, and ceilings..... S A U
6. Illumination is safe, sufficient, and well placed.... S A U
7. Ventilation is adequate and proper for conditions.... S A U
8. Temperature control..... S A U
9. Fire extinguishers are of proper type, adequately supplied, properly located and maintained..... S A U
10. Teacher and pupils know location of and how to use proper type for various fires..... S A U
11. Number and location of exits is adequate and properly identified..... S A U
12. Proper procedures have been formulated for emptying the room of pupils and taking adequate precautions in case of emergencies..... S A U
13. Lockers are inspected regularly for cleanliness and fire hazards..... S A U
14. Locker doors are kept closed..... S A U
15. Walls are clear of objects that might fall..... S A U
16. Utility lines are properly identified..... S A U
17. Teachers know the procedure in the event of fire including notification of the fire department and the evacuation of the building..... S A U
18. Air in shop is free from excessive dust, smoke, etc.. S A U
19. _____ S A U
20. _____ S A U
21. _____ S A U
22. _____ S A U
23. Evaluation for the total rating of A. GENERAL PHYSICAL CONDITION..... S A U

B. HOUSEKEEPING

1. General appearance as to orderliness..... S A U
2. Adequate and proper storage space for tools and materials..... S A U
3. Benches are kept orderly..... S A U
4. Corners are clean and clear..... S A U
5. Special tool racks, in orderly condition and provided at benches and machines..... S A U
6. Tool, supply, and/or material room is orderly..... S A U
7. Sufficient scrap boxes are provided..... S A U
8. Scrap stock is put in scrap boxes promptly..... S A U
9. Materials are stored in an orderly and safe condition S A U
10. A spring lid metal container is provided for waste and oily rags..... S A U
11. All waste materials and oily rags are promptly placed in the containers..... S A U
12. Containers for oily rags and waste materials are frequently and regularly emptied..... S A U
13. Dangerous materials are stored in metal cabinets..... S A U
14. Machines have been color conditioned..... S A U
15. Safety cans are provided for flammable liquids..... S A U
16. Bulk storage of dangerous materials is provided outside of the main building..... S A U
17. A toe-board or railing around a mezzanine used for storage or washing facilities..... S A U
18. Materials are stored in an orderly and safe condition on this mezzanine..... S A U
19. Flammable liquids are not used for cleaning purposes. S A U
20. Floors are free of oil, water and foreign material... S A U
21. Floors, walls, windows, and ceilings are cleaned periodically..... S A U
22. _____ S A U
23. _____ S A U
24. _____ S A U
25. _____ S A U
26. Evaluation for the total rating of B. HOUSEKEEPING... S A U

C. EQUIPMENT

1. Machines are arranged so that workers are protected from hazards of other machines, passing students, etc..... S A U
2. Danger zones are properly indicated and guarded..... S A U
3. All gears, moving belts, etc., are protected by permanent enclosure guards..... S A U
4. All guards are used as much as possible..... S A U

C. EQUIPMENT (continued)

5. All equipment control switches are easily available to operator..... S A U
6. All machines are "locked off" when instructor is out of the room..... S A U
7. Brushes are used for cleaning equipment..... S A U
8. Nonskid areas are provided around machines..... S A U
9. Machines are in safe working condition..... S A U
10. Machines are guarded to comply with American Standards Association and local state code..... S A U
11. Adequate supervision is maintained when students are using machines and dangerous tools..... S A U
12. Tools are kept sharp, clean, and in safe working condition..... S A U
13. All hoisting devices are in safe operating condition. S A U
14. Machines are shut off while unattended..... S A U
15. Adequate storage facilities for tools, equipment, etc., not in immediate use..... S A U
16. _____ S A U
17. _____ S A U
18. _____ S A U
19. _____ S A U
20. Evaluation for the total rating of C. EQUIPMENT..... S A U

D. ELECTRICAL INSTALLATION

1. All switches are enclosed..... S A U
2. There is a master control switch for all of the electrical installations..... S A U
3. Electrical outlets and circuits are properly identified..... S A U
4. All electrical extension cords are in safe condition and are not carrying excessive loads..... S A U
5. All machine switches are within easy reach of the operators..... S A U
6. Electrical motors and equipment are wired to comply with the National Electric Code..... S A U
7. Individual cut-off switches are provided for each machine..... S A U
8. Machines are provided with overload and underload controls by magnetic pushbutton controls..... S A U
9. No temporary wiring in evidence..... S A U
10. _____ S A U
11. _____ S A U
12. _____ S A U
13. _____ S A U
14. Evaluation for the total rating of D. ELECTRICAL INSTALLATION..... S A U

E. GAS

1. Gas flow to appliances is regulated, so that when appliance valve is turned on full, the flames are not too high..... S A U
2. Gas appliances are properly insulated with asbestos or other insulating material from tables, benches, adjacent walls, or other flammable materials..... S A U
3. No gas hose is used where pipe connections could be made..... S A U
4. Gas appliances have been adjusted so that they may be lighted without undue hazard..... S A U
5. Students have been instructed when lighting gas appliances to light the match first before turning on the gas..... S A U
6. There are no gas leaks, nor is any odor of gas detectable in any part of the shop..... S A U
7. Shop instruction has been given concerning the lighting of gas furnaces operating with both air and gas under pressure..... S A U
8. When lighting the gas forge, goggles are worn..... S A U
9. When lighting the gas furnace, the following procedure is used: (a) light the match; (b) turn on the gas; (c) drop the match in the hole in top of the furnace.. S A U
10. In shutting down the gas furnace, the gas valve is closed before the air valve..... S A U
11. _____ S A U
12. _____ S A U
13. _____ S A U
14. _____ S A U
15. Evaluation for the total rating of E. GAS..... S A U

F. PERSONAL PROTECTION

1. Goggles or protective shields are provided and required for all work where eye hazard exists..... S A U
2. If individual goggles are not provided, hoods and goggles are properly disinfected before use..... S A U
3. Shields and goggles are provided for electric welding S A U
4. Rings and other jewelry are removed by pupils when working in the shop..... S A U
5. Proper kind of wearing apparel is worn and worn properly for the job being done..... S A U
6. Leggings, safety shoes, etc., are worn in special classes such as foundry, etc., when needed..... S A U
7. Respirators are provided for dusty or toxic atmospheric conditions such as when spraying in the finishing room..... S A U
8. Provisions are made for cleaning and sterilizing respirators..... S A U
9. Students are examined for safety knowledge ability... S A U
10. Sleeves are rolled above elbows when operating machines..... S A U

F. PERSONAL PROTECTION (continued)

11. Clothing of students is free from loose sleeves, flopping ties, loose coats, etc..... S A U
12. _____ S A U
13. _____ S A U
14. _____ S A U
15. _____ S A U
16. Evaluation for the total rating of F. PERSONAL PROTECTION..... S A U

G. INSTRUCTION

1. Shop Safety is taught as an integral part of each teaching unit..... S A U
2. Safety rules are posted particularly at each danger station..... S A U
3. Printed safety rules are given each student..... S A U
4. Pupils take a safety pledge..... S A U
5. Use of a safety inspector..... S A U
6. Use of a student shop safety committee..... S A U
7. Use of safety contests..... S A U
8. Motion and/or slide films on safety are used in the instruction..... S A U
9. Use of suggestion box..... S A U
10. Use of safety tests..... S A U
11. Use of safety posters..... S A U
12. Talks on safety are given to the classes by industrial people..... S A U
13. Tours are taken of industrial plants as a means of studying safety practices..... S A U
14. Periodic safety inspections of the shop are made by a student committee..... S A U
15. People from industry make safety inspections of the shop..... S A U
16. Student shop safety committee investigates all accidents..... S A U
17. A proper record is kept of safety instructions which are given, preferably showing the signature of student on tests given in this area..... S A U
18. Rotate students on the Shop Safety Committee so that as many students as possible have an opportunity to participate..... S A U
19. _____ S A U
20. _____ S A U
21. _____ S A U
22. _____ S A U
23. Evaluation for the total rating of G. INSTRUCTION.... S A U

## H. ACCIDENT RECORDS

1. There is a written statement outlining the proper procedure when and if a student is seriously hurt.... S A U
2. Adequate accident statistics are kept..... S A U
3. Accidents are reported to the proper administrative authority by the instructor..... S A U
4. A copy of each accident report is filed with the State Department of Education..... S A U
5. Accident reports are analyzed for instructional purposes and to furnish the basis for elimination of hazards..... S A U
6. _____ S A U
7. _____ S A U
8. _____ S A U
9. _____ S A U

## H. ACCIDENT RECORDS (continued)

10. Evaluation for the total rating of H. ACCIDENT RECORDS S A U

## I. FIRST AID

1. An adequately stocked first aid cabinet is provided.. S A U
2. The first aid is administered by a qualified individual..... S A U
3. The school has individuals qualified to administer first aid..... S A U
4. _____ S A U
5. _____ S A U
6. _____ S A U
7. _____ S A U
8. Evaluation for the total rating of I. FIRST AID..... S A U

## RECOMMENDATIONS

| Code No. | |
|---|---|
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